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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,917	06/15/2007	Masaaki Oshima	285080US6PCT	5125
22850 7590 02/01/2011 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER AGGARWAL, YOGESH K				
ART UNIT 2622		PAPER NUMBER		
NOTIFICATION DATE 02/01/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/573,917

Applicant(s)

OSHIMA ET AL.

Examiner

YOGESH K. AGGARWAL

Art Unit

2622

Period for Reply
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10, 11, 17 and 20 is/are rejected.
- 7) ☒ Claim(s) 5-7, 9, 12-16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/27/2010 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Jin (US Patent # 5,659,361).

[Claim 1]

Jin teaches an image pickup apparatus comprising: imaging means (camcorder shown in figures 3a and 3b would inherently have some kind of image sensor) for forming a video signal of a subject according to a light inputted from a lens device (objective lens 3, col. 3 lines 54-58);

an image pickup apparatus body (1) which houses said imaging means and includes a handle (figure 8c shows a handle), the handle having a long axis and a short axis, the long axis extending in a direction approximately parallel with a light axis direction of a lens system of said lens device and the handle being provided on an upper portion of the image pickup apparatus body (see figure 8e); and

a first display device (2) for displaying a video picture according to said video signal, said first display device provided on a front portion in said light axis direction of said handle such that a posture of the first display device can be changed (col. 4 lines 15-19).

[Claim 2]

Jin teaches wherein said first display device includes a flat planar monitor (see figure 3a) and a turning support mechanism (figure 3b) to support said planar monitor on said image pickup apparatus body freely rotatably and said planar monitor is turnable by up to approximately 180 degrees by a turn of said turning support mechanism (see figures 4a-6b).

[Claim 3]

Jin teaches wherein said planar monitor performs a reversing operation by the turn of said turning support mechanism (col. 3 lines 64-col. 4 line15, figure 3b), either of a display surface of the planar monitor and a non-display surface of an opposite side of the planar monitor is selectively arranged in a housing position of said planar monitor (see figures 3a -4b), said planar monitor includes a flat housing (col. 3 lines 59-63), a first main face (figure 4b shows 2' which is the main screen) of said flat housing is provided with the display surface of said planar monitor, and a second main face which is on the opposite side of said first main face is the non-display surface (the back surface shown in figure 8b has no screen).

[Claim 4]

Jin teaches wherein a display surface of said first display device is provided such that a front portion of the display surface, in said light axis direction, is heightened and declines rearward, in said light axis direction. (see figures 4a-5b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 10, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jin (US Patent # 5,659,361) in view of Seo (US Patent # 5,801,774).

[Claim 8]

Jin fails to teach a second display device is provided rearward said handle of said image pickup apparatus body in said light axis direction and approximately on a same axis as said handle and said second display device includes a viewfinder wherein a second display device is provided rearward said handle of said image pickup apparatus body in said light axis direction and approximately on a same axis as said handle and said second display device includes a viewfinder. However Seo teaches a second display device (view finder 12, figure 5) is provided rearward said handle (38) of said image pickup apparatus body in said light axis direction and approximately on a same axis as said handle and said second display device includes a viewfinder (col. 2 lines 66-67). Therefore taking the combined teachings of Jin and Seo, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a second display device is provided rearward said handle of said image pickup apparatus body in said light axis direction and approximately on a same axis as said handle and said second display device includes a viewfinder wherein a second display device is provided rearward said handle of said image pickup apparatus body in said light axis direction and approximately on a same

axis as said handle and said second display device includes a viewfinder so that the user can more easily picture a desired object at a desired different angle.

[Claim 10]

Seo teaches wherein the light axis of said viewfinder (12) and the light axis of said lens system of said image pickup apparatus body are arranged by a predetermined distance and said viewfinder is arranged in an upper portion apart from said image pickup apparatus body (see figure 5).

[Claim 17]

Jin teaches an image pickup apparatus comprising: imaging means (camcorder shown in figures 3a and 3b would inherently have some kind of image sensor) for forming a video signal of a subject according to a light inputted from a lens device (objective lens 3, col. 3 lines 54-58);

an image pickup apparatus body (1) which houses said imaging means and includes a handle (figure 8c shows a handle), the handle having a long axis and a short axis, the long axis extending in a direction approximately parallel with a light axis direction of a lens system of said lens device and the handle being provided on an upper portion of the image pickup apparatus body (see figure 8c); and

a first display device (2) for displaying a video picture according to said video signal, said first display device provided on a front portion in said light axis direction of said handle such that a posture of the first display device can be changed (col. 4 lines 15-19).

Jin fails to teach a second display device provided on a rear portion, in said light axis direction of said handle such that a posture of the second display device can be changed. However Seo teaches second display device (12) provided on a rear portion, in said light axis direction of said

handle such that a posture of the second display device can be changed (see figures 5 and 6, col. 2 lines 66-67 teaches that the second viewfinder 12 is tiltably disposed). Therefore taking the combined teachings of Jin and Seo, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a second display device provided on a rear portion, in said light axis direction of said handle such that a posture of the second display device can be changed so that the user can more easily picture a desired object at a

[Claim 20]

Seo teaches wherein on the rear portion of said handle, the second display device (view finder 12, figure 5) is provided rearward said handle (18) of said image pickup apparatus body and approximately on the same axis of said handle and said second display device includes a viewfinder (col. 2 lines 66-67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jin (US Patent # 5,659,361), Seo (US Patent # 5,801,774) and further in view of Kamamoto et al. (US Patent # 5,982,429).

[Claim 11]

Jin in view of Seo fails to teach wherein a concave space is provided between an upper portion of a battery housing portion provided on a back face of said image pickup apparatus body and said

image pickup apparatus body and it is constituted such that the battery is detachable by being unlocked. However Kamamoto teaches a battery 5 located a concave space is provided between an upper portion of a battery housing portion provided on a back face of said image pickup apparatus body and said image pickup apparatus body and it is constituted such that the battery is detachable by being unlocked (figure 1). Therefore taking the combined teachings of Jin, Seo and Kamamoto, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a concave space is provided between an upper portion of a battery housing portion provided on a back face of said image pickup apparatus body and said image pickup apparatus body and it is constituted such that the battery is detachable by being unlocked in order for the user to easily remove the battery.

Allowable Subject Matter

8. Claims 5-7, 9, 12-16, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/
Primary Examiner, Art Unit 2622